



MEMORANDUM

Agenda Item No. 8(I)(1)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing the
disbursement of funds from the
Biscayne Bay Environmental
Enhancement Trust Fund for
Baynanza 2012 and authorizing
execution of an agreement with the
Florida Inland Navigation District to
provide funding to Miami-Dade
County for this event

The accompanying resolution was prepared by the Permitting, Environment & Regulatory Affairs Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: January 24, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2012 and Authorizing the Execution of a Related Agreement between Miami-Dade County and the Florida Inland Navigation District

Recommendation

It is recommended that the Board authorize the disbursement of \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for Baynanza 2012 and authorize the execution of a related agreement with the Florida Inland Navigation District (FIND).

Scope

The Baynanza 2012 events will benefit coastal areas of County Commission Districts 3, 4, 5, 7, 8 and 9.

Fiscal Impact/Funding Source

Funding of \$98,000 from the BBEETF is being requested for costs related to the various educational, public awareness and enhancement activities of Baynanza 2012 (see Exhibit A). The FIND Agreement (Attachment A) will provide up to \$10,000 toward Baynanza t-shirts. The Department of Permitting, Environment and Regulatory Affairs (PERA) will seek additional funds and services through private sponsorships for Baynanza expenses. Pursuant to Section 7-22.1 of the Miami-Dade County Code, funds deposited into the BBEETF may be used for water body maintenance and enhancement activities such as Baynanza 2012. Expenses incurred during Baynanza 2012 will include posters, banners, registration forms, postage, educational materials, t-shirts, portable restrooms, garbage bags, garbage removal and related costs. BBEETF Index Code: TFDE400010, Subobject: 22430, available balance as of 7/31/2011: \$284,000 (other pending disbursements deducted).

Track Record / Monitor

The Environmental Education and Communications Office Chief in PERA will monitor the Baynanza 2012 activities conducted with these funds.

Background

Baynanza is part of the County's longstanding commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific and environmental resource. The various events of Baynanza 2012 (more than 30 Baynanza events took place in 2011) will be scheduled for March and April 2012. The main event, Bay Cleanup Day on April 21, 2012, will commemorate the 30th Baynanza Bay Cleanup Day with shoreline cleanups at a minimum of 26 sites along Biscayne Bay and a special outreach event at the VIP site. Other major Baynanza 2012 events include Earth Day celebrations, a teacher's workshop, nature walks and similar activities.

Baynanza is a cooperative effort among several County departments, environmental groups in Miami-Dade County and the community at large. Almost 6,000 volunteers participated in the 2011 Bay Cleanup Day and each received a commemorative Baynanza t-shirt as a token of appreciation for their hard work. The t-shirts are part of Baynanza's educational message. In accordance with Chapter 24-40(4) of the Code of Miami Dade County, I have received and considered the attached recommendation of the Director of PERA to authorize this disbursement.

A handwritten signature in black ink, appearing to be "Carlos A. Gimenez", written over a horizontal line.

Deputy Mayor

Memorandum



Date: October 28, 2011

To: Carlos A. Gimenez
Mayor

From: Charles Danger, P.E., Interim Director *Stalao for*
Department of Permitting, Environment and Regulatory Affairs

Subject: Recommendation for Disbursement of Funds from the Biscayne Bay Environmental Enhancement Trust Fund for Baynanza 2012

Pursuant to Section 24-40(4) of the Code of Miami-Dade County, I am recommending the disbursement of \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund (BBEETF) for costs related to the various educational, public awareness and enhancement activities of Baynanza 2012 (see Exhibit A).

Section 7-22.1 of the Code allows funds deposited into the BBEETF to be used for activities such as Baynanza 2012.

An agreement with the Florida Inland Navigation District will provide up to \$10,000 toward Baynanza 2012 expenses. The Department of Permitting, Environment and Regulatory Affairs will seek additional funds and services through sponsorships from private organizations.

As you know, Baynanza is part of the County's longstanding commitment to enhance public awareness of Biscayne Bay as a recreational, aesthetic, economic, historic, scientific and environmental resource. The main event, Biscayne Bay Cleanup Day, includes shoreline cleanups at a minimum of 26 sites along Biscayne Bay and will be held on April 21, 2012. Other major Baynanza 2012 events include Earth Day celebrations, a teachers' workshop, nature walks and similar activities.

Please contact PERA Assistant Director Lee Hefty as needed at 305-372-6754.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(I)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☒ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(I)(1)
1-24-12

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE DISBURSEMENT
OF FUNDS FROM THE BISCAYNE BAY
ENVIRONMENTAL ENHANCEMENT TRUST FUND
FOR BAYNANZA 2012 AND AUTHORIZING
EXECUTION OF AN AGREEMENT WITH THE
FLORIDA INLAND NAVIGATION DISTRICT TO
PROVIDE FUNDING TO MIAMI-DADE COUNTY FOR
THIS EVENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, pursuant to Section 24-40 of the Code of Miami-Dade County, hereby approves disbursement of up to \$98,000 from the Biscayne Bay Environmental Enhancement Trust Fund to be used for BAYNANZA 2012; authorizes the Mayor or the Mayor's designee to execute an agreement with the Florida Inland Navigation District to provide funding to Miami-Dade County in an amount not to exceed \$10,000 for this event; and authorizes the Mayor or the Mayor's designee to exercise all the provisions contained herein.

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The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	


The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Abbie Schwaderer-Raurell

ATTACHMENT A

AGREEMENT

This Agreement is entered into this _____ day of _____, 20____ by and between the FLORIDA INLAND NAVIGATION DISTRICT ("FIND") and MIAMI-DADE COUNTY, FLORIDA (the "Project Sponsor").

WHEREAS, Project Sponsor has requested that FIND provide a portion of the assistance needed for the 30th Baynanza, Biscayne Bay Cleanup program in Miami-Dade County including the Atlantic Intracoastal Waterway (the "Project"); and

WHEREAS, FIND is willing to provide such assistance for the volunteer clean up of the Atlantic Intracoastal Waterway in Miami-Dade County subject to the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. Subject to the provisions of the Agreement, Project Sponsor shall coordinate the work for the Project. Project Sponsor agrees, with respect to the Project, that as between the parties to this Agreement, it shall be solely responsible for any claims for damages resulting therefrom. Project Sponsor agrees to indemnify FIND, its Commissioners, employees, and agents, from any and all liabilities, claims, costs, damages, and expenses (including court costs and attorneys' fees) arising from or related to Project Sponsor's actions regarding the Project.

2. FIND shall provide an amount not to exceed **\$10,000** for the components of the project set forth on the attached Exhibit "A" (with FIND paying the Project Sponsor the amount actually expended for each component, up to the



amount listed on Exhibit "A" for said component) which shall also in compliance with the District's policy on waterway clean up projects (Exhibit "B").

3. The funds to be provided by FIND to the Project Sponsor hereunder will be paid within thirty (30) days of receipt by FIND of a request for payment accompanied by supporting documentation showing expenditures equal or greater to the amount being sought from FIND.

4. Project Sponsor shall, upon request by FIND, provide a report of final expenses incurred on the Project. The Project Sponsor shall also retain all records supporting costs of the Project for three (3) years after the end of the fiscal year in which the Project is completed, except that such records shall be retained by Project Sponsor until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

5. If Project Sponsor shall fail to fulfill in a timely and proper manner the obligations under this Agreement, or if Project Sponsor shall violate any of the covenants, terms, or stipulations of this Agreement, FIND shall thereupon have the rights to terminate this Agreement.

Notwithstanding the above, Project Sponsor shall not be relieved of liability for damages or expenses as contemplated herein sustained by FIND by virtue of any breach of the Agreement by Project Sponsor.

6. Any notice or other written communications between Project Sponsor and FIND shall be considered delivered when posted by certified mail or delivered in person to the respective party at the address indicated below:

To FIND: Florida Inland Navigation District
1314 Marcinski Road
Jupiter, Florida 33477
Attention: Executive Director

To the Project Sponsor: Miami-Dade County Department of Permitting,
Environment and Regulatory Affairs (PERA), formerly
the Miami-Dade County Department of Environmental
Resources Management (DERM)
Environmental Education & Communication Office
701 NW 1st Court, 2nd Floor
Miami, Florida 33136-3912
Attention: Project Supervisor

7. This instrument embodies the entire agreement of the parties. There are no provisions, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communication, representation or agreements, either verbal or written between the parties hereto. This Agreement shall not be modified unless in writing and signed by both parties hereto.

8. This Agreement shall be interpreted and construed pursuant to the laws of the State of Florida. In the event of any litigation arising hereunder, the prevailing party shall be entitled to reasonable costs including attorney' fees, at the trial, appellate and post-judgment levels. The venue of any such litigation shall be had only in the courts of Palm Beach County, Florida.

9. The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Neither party may assign this Agreement nor any interest hereunder without the express prior written consent of the other party.

10. Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed
as of the date first above written.

FLORIDA INLAND NAVIGATION DISTRICT

By: _____

Name: DAVID ROACH

Title: EXECUTIVE DIRECTOR

Date: _____

"FIND"

ATTEST:

By: _____

Name: _____

Miami-Dade County

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

By: _____

Name: _____

EXHIBIT A

Baynanza Biscayne Bay Cleanup Day 2012 Budget		
Description	Cost	Potential Sponsor / Amount
Sanitation Equipment & Supplies (toilets, dumpsters, island cleanup, recycle trash, biohazard disposal)	\$ 14,000	
Commemorative t-shirts (7,000 shirts)	\$ 29,000	FIND / \$10,000
Staff	\$ 6,000	
Event Supplies (food, water, ice, garbage bags, etc.) for the volunteers	\$ 10,000	
Cargo Equipment Rental / Services	\$ 3,000	
Site Signage and Banners	\$ 7,000	
Commemorative Calendar of Events (20,000 copies)	\$15,500	
Supplies Storage	\$ 3,000	
Registration Forms (2,000 copies)	\$ 1,500	
Cleanup Sites Organizer's Kit (Safety, etc)	\$ 3,000	
Postage	\$ 3,000	
Transportation (Vehicles / Vans)	\$ 3,000	
Total Cost	\$98,000.00	

EXHIBIT B

FLORIDA INLAND NAVIGATION DISTRICT WATERWAY CLEAN UP PROGRAM POLICY

The following constitutes the policy of the Florida Inland Navigation District regarding the provision of funding for organized clean up programs for the waterways within the District.

1. The District shall fund a maximum of one clean up program per waterway, per year within a county, except for the provisions of items 7 through 9, below
2. The clean up program must be sponsored by a government agency or a not-for-profit corporation.
3. District funding shall be limited to \$5,000.00 per waterway, per county, except for the provisions of items 7 through 9, below.
4. The District shall be recognized in all written, audio or video advertising and promotions as a participating sponsor of the clean up program.
5. The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, gloves, advertising, T-shirts etc... The funding provided by the District shall not be allocated for parties, food or beverages.
6. The District Board shall make all final decisions concerning the provision of funding for a clean up program.

In addition to the above requirements, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

7. The clean up program budget must provide equal or greater matching funds for all Navigation District funding.
8. The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.
9. For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.